

1 Robert F. McCauley (SBN 162056)
2 robert.mccauley@finnegan.com
3 Arpita Bhattacharyya (SBN 316454)
4 arpita.bhattacharyya@finnegan.com
5 Jeffrey D. Smyth (SBN 280665)
6 jeffrey.smyth@finnegan.com
7 **FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
8 3300 Hillview Avenue
9 Palo Alto, California 94304
10 Telephone: (650) 849-6600
11 Facsimile: (650) 849-6666

12 Attorneys for Plaintiff and Counterdefendant
13 ASETEK DANMARK A/S and
14 Counterdefendant ASETEK USA, INC.

15 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

16 ASETEK DANMARK A/S,
17 Plaintiff and
18 Counterdefendant,
19 ASETEK USA, INC.,
20 Counterdefendant,
21 v.
22 COOLIT SYSTEMS, INC.,
23 Defendant and
24 Counterclaimant,
25 COOLIT SYSTEMS USA INC., COOLIT
SYSTEMS ASIA PACIFIC LIMITED,
COOLIT SYSTEMS (SHENZHEN) CO.,
LTD.,
26 Defendants,
CORSAIR GAMING, INC. and CORSAIR
MEMORY, INC.,
27 Defendants.
28

CASE NO. 3:19-cv-00410-EMC

**DECLARATION OF ARPITA
BHATTACHARYYA IN SUPPORT OF
ASETEK DANMARK A/S'S MOTION TO
EXCLUDE CERTAIN OPINIONS OF DR.
JOHN P. ABRAHAM UNDER DAUBERT
FOR MISCONSTRUING AND
MISAPPLYING THE PARTIES'
STIPULATED CLAIM CONSTRUCTION**

Date: May 5, 2022
Time: 1:30 PM
Location: Courtroom 5, 17th Floor
Judge: Hon. Edward M. Chen

1 I, Arpita Bhattacharyya, declare as follows:

2 1. I am an attorney licensed to practice before this Court and all courts of the State of
 3 California, and am a Partner with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, counsel
 4 for Plaintiff and Counterdefendant Asetek Danmark A/S (“Asetek”) in the above-entitled action. I
 5 submit this declaration in support of Asetek’s Motion to Exclude Certain Opinions of Dr. John P.
 6 Abraham Under *Daubert* for Misconstruing and Misapplying the Parties’ Stipulated Claim
 7 Construction. The matters stated herein are based upon my personal knowledge, and if called as a
 8 witness, I would testify as to the following statements.

9 **IDENTIFICATION OF EXHIBITS**

10 2. Attached hereto as **Exhibit A** is a true and correct copy of U.S. Patent No. 8,240,362
 11 titled “Cooling System for a Computer System” issued by the United States Patent and Trademark
 12 Office on August 14, 2012.

13 3. Attached hereto as **Exhibit B** is a true and correct copy of U.S. Patent No. 10,599,196
 14 titled “Cooling System for a Computer System” issued by the United States Patent and Trademark
 15 Office on March 24, 2020.

16 4. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt of the Rebuttal
 17 Report of Dr. John P. Abraham Regarding Infringement of Asetek Danmark A/S’s Asserted Patent
 18 Claims, dated December 8, 2021.

19 5. Attached hereto as **Exhibit D** is a true and correct copy of CoolIT Systems Inc.’s
 20 Petition for *Inter Partes* Review of Asetek’s U.S. Patent No. 10,078,355 in IPR2020-00522, dated
 21 February 7, 2020.

22 6. Attached hereto as **Exhibit E** is a true and correct copy of an excerpt of the transcript
 23 from the January 7, 2022 deposition of John P. Abraham, CoolIT’s expert.

24 **RELEVANT FACTS CITED IN ASETEK’S MOTION**

25 7. Each of the Asetek patents have claims that recite a “reservoir” that comprises an
 26 “upper” or “pump chamber,” and a “lower” or “thermal exchange chamber.”

27 8. I met and conferred with counsel for CoolIT concerning the parties’ stipulated claim
 28 construction for “reservoir,” and the additional limitations on this term alleged by Dr. Abraham in

1 paragraphs 54 and 55 of his rebuttal report were never raised or discussed during the meet-and-
2 confer.

3

4 I declare under penalty of perjury under the laws of the United States for the forgoing is true
5 and correct. Executed this 31st day of March 2022, at Palo Alto, California

6

7 By: /s/ Arpita Bhattacharyya

8 Arpita Bhattacharyya
9 *Attorneys for Plaintiff and Counterdefendant*
ASETEK DANMARK A/S and
Counterdefendant ASETEK USA, INC.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28